

Message Text

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44

ACTION NEA-16

INFO OCT-01 ISO-00 L-03 H-03 SCS-03 SCA-01 SY-04 CIAE-00

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FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC 3023

C O N F I D E N T I A L NEW DELHI 10232

E.O. 11652: GDS

TAGS: CASC, PFOR, IN

SUBJECT: HARCOS/FLETCHER

FOLNG SENT NEW DELHI FM CALCUTTA DTD AUG 1ST.

QUOTE: CALCUTTA 1570

E.O. 11652: GDS

TAGS: CASC, PFOR, IN

SUBJ: HARCOS/FLETCHER

1. DEFENSE LAWYER BHOSE GAVE ME A COPY ON JULY 31 OF PROSECUTION'S PETITION, WHICH WAS FILED WITH CITY SESSIONS COURT THE SAME DAY, SUBMITTING IT THAT THE PUBLICATION OF THE EVIDENCE TO BE GIVEN OR OF ANY STATEMENT TO BE MADE IN THE COURSE OF THE PROCEEDINGS OF THE TRIAL WOULD BE PREJUDICIAL TO THE SAFETY OR INTERESTS OF THE STATE; HENCE THE PUBLIC SHOULD BE EXCLUDED FROM THE COURT PROCEEDINGS. IT IS PRAYED BY THE PROSECUTION THAT YOUR HONOUR MAY BE PLEASED TO MAKE THE ORDER UNDER SECTION 14 OF THE ACT EXCLUDING THE PUBLIC." THE PETITION STATES THAT THE ACCUSED ARE TO BE TRIED UNDER SECTIONS 3 AND 9 OF THE OFFICIAL SECRETS ACT UNDER SECTION 120B OF THE INDIAN PENAL CODE (CONSPIRACY).

2. DEFENSE LAWYER BHOSE SUCCESSFULLY ARGUED FOR A POSTPONEMENT OF THE DECISION ON PROSECUTION'S PETITION UNTIL AFTER A RULING HAS BEEN MADE ON HIS OWN PETITION (ALSO FILED JULY 31) FOR ACCESS TO THE RECORDS OF THE CASE (INCLUDING THE PETITION OF CONFIDENTIAL

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COMPLATINT), TO STATEMENTS OF PROPOSED WITNESSES, AND TO

DOCUMENTS AND ARTICLES ON WHICH THE PROSECUTION INTENDS TO
RELY AT THE TIME OF THE TRIAL.

3. THE PRESIDING JUDGE AGREED TO MAKE A RULING ON DEFENSE'S
PETITION ON TUESDAY, AUGUST 6. FOLLOWING THIS THE QUESTION
OF WHETHER THE TRIAL WILL BE PUBLIC OR IN CAMERA WILL BE
ADDRESSED (NOT NECESSARILY ON THE SAME DAY).

4. DEFENSE LAWYER BHOSE ALSO PLANS TO ASK PRESIDING
JUDGE ON TUESDAY TO PERMIT APPEARANCE BY THE PRISONERS
BEFORE HIM PRIOR TO THE BEGINNING OF THE TRIAL.

PICKERING UNQUOTE
MOYNIHAN

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Message Attributes

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Disposition Authority: boyleja
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
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